REMARKS

Claims 1-27 are pending in the present application. Claims 1-5, 7 and 11-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Leiter, U.S. Patent No. 5,022,744. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Leiter in view of Weiss, U.S. Patent App. Pub. No. 2003/0011910 A1. Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Leiter.

Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(b), §103(a)

Claims 1-5, 7 and 11-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Leiter, U.S. Patent No. 5,022,744. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Leiter in view of Weiss, U.S. Patent App. Pub. No. 2003/0011910 A1. Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Leiter.

Leiter describes a microscope in which a diaphragm 25 disposed in a lamp house 2 is used to keep illumination intensity constant when a filter 7, 8 is inserted to vary the color temperature of illuminating light. See col. 3, lines 1-4, and col. 3, line 65 to col. 4, line 3.

Weiss describes a method for regulating the brightness of a light source in which a change in the spectrum of the light emitted by the light source 2, due to a change in the electrical power delivered to the light source, is compensated for using a variable optical filter 16. See abstract.

Independent claims 1 and 19 recite "an aperture device" disposed in an illumination beam path for modifying the "numerical aperture" and a light source control device for controlling, upon a change of the numerical aperture by the aperture device, the light source so that "a light flux [passing] through the illuminating optical system remains substantially unchanged." It is respectfully submitted that neither Leiter nor Weiss teach or suggest an aperture device for modifying the numerical aperture, nor controlling the light source so that the light flux through the illuminating optical system remains substantially unchanged, as recited in claims 1 and 19. In contrast, Leiter merely changes the illumination light intensity

using the diaphragm 25. The numerical aperture of the system is not changed. Moreover, since Leiter does not change the numerical aperture, it cannot control the light source so that a light flux through the illuminating optical system remains substantially unchanged upon a change of the numerical aperture, as recited in claims 1 and 19. And Weiss also does not disclose changing the numerical aperture, or controlling the light source so that a light flux through the illuminating optical system remains substantially unchanged upon a change of the numerical aperture, as recited in claims 1 and 19. Rather, Weiss merely describes regulating the brightness of the light source by changing the electrical power delivered to the light source so as to compensate the spectrum of the light. Since both Leiter and Weiss are missing the above-recited features of independent claims 1 and 19, neither of these references can anticipate claims 1 or 19, or their respective dependent claims 2-5, 7, 11-18 and 20-27. Moreover, a combination of Leiter and Weiss, to the extent proper, could not render dependent claim 6 unpatentable. Nor could Leiter render dependent claims 8-10 unpatentable, as Leiter does not teach or suggest the above-recited features of independent claim 1.

Withdrawal of the respective rejections of claims 1-5, 7 and 11-27 under 35 U.S.C. §102(b) based on Leiter, claim 6 under 35 U.S.C. §103(a) based on a combination of Leiter with Weiss, and claims 8-10 under 35 U.S.C. §103(a) based on Leiter, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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